

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANDRE LAMAR JACKSON,

Petitioner,

v.

Case No. 08-13571
Honorable Avern Cohn

BLAINE C. LAFLER,

Respondent.

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**OPINION AND ORDER DENYING PETITIONER'S
MOTION FOR APPOINTMENT OF COUNSEL**

I.

On August 19, 2008, Petitioner filed an application for writ of habeas corpus under 28 U.S.C. § 2254. Before the Court now is Petitioner's "Motion for Appointment of Counsel." For the reasons that follow, the motion is **DENIED WITHOUT PREJUDICE**.

II.

There is no constitutional right to counsel in habeas proceedings. Tapia v. Lemaster, 172 F.3d 1193, 1196 (10th Cir. 1999). The decision to appoint counsel for a federal habeas petitioner is within the discretion of the court and is required only where the interests of justice or due process so require. Mira v. Marshall, 806 F.2d 636, 638 (6th Cir. 1986). "Habeas corpus is an extraordinary remedy for unusual cases" and the appointment of counsel is therefore required only if, given the difficulty of the case and the petitioner's ability, the petitioner could not obtain justice without an attorney, he could not obtain a lawyer on his own, and he would have a reasonable chance of winning with the assistance of counsel. See Thirkield v. Pitcher, 199 F.Supp.2d 637, 653 (E.D. Mich. 2002).

Here, the interests of justice, at this point in time, do not require appointment of counsel. 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8 (c).

Petitioner's motion will be reconsidered if, following receipt of Respondent's answer to the petition and the filing of the necessary Rule 5 materials, the Court determines, after a careful review of those materials, that appointment of counsel is necessary. Petitioner need not file any further motions.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: August 27, 2008

I hereby certify that a copy of the foregoing document was mailed to Andre Jackson 381114, Carson City Correctional Facility, 10522 Boyer Road, Carson City, MI 48811 on this date, August 27, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160